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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

UNITED STATES OF AMERICA,)	No. CR 09-00775 SBA
)	
Plaintiff,)	STIPULATION AND PROPOSED
)	ORDER CONTINUING STATUS
v.)	CONFERENCE AND EXCLUDING TIME
)	
JUAN OCTAVIANO LOPEZ,)	
aka Juan Octavio Lopez Ortiz,)	
aka Juan Lopez Gomez,)	
aka Manuel Vargas, and)	
GLENDY GOMEZ,)	
aka Glendy Elizabeth Gomez,)	
)	
Defendants.)	

Plaintiff, by and through its attorney of record, and defendants, by and through their counsel of record, hereby stipulate and ask the Court to find as follows:

1. A status conference in this matter is currently scheduled for 10 a.m. on Wednesday, November 10, 2010, before United States Magistrate Judge Laurel Beeler.
2. The parties request that this hearing be continued until 10 a.m. on Tuesday, November 30, 2010, before United States Magistrate Judge Laurel Beeler, in order to provide defendants' counsel with additional time to evaluate the evidence in this case and determine

STIPULATION AND ORDER RESCHEDULING
HEARING; EXCLUDING TIME

1 whether or not defendant should enter a change of plea or file motions and to prepare for trial in
2 this matter.

3 3. Specifically, the parties have agreed to submit the methamphetamine for
4 independent examination and analysis by an non-government laboratory. The parties expect this
5 examination and analysis to take several weeks. This independent examination and analysis is
6 necessary for the defense to effectively prepare for trial in this matter. The parties believe that
7 failure to grant the above-requested continuance would deny defendants' counsel and defendant
8 the reasonable time necessary for effective preparation taking into account the exercise of due
9 diligence and that the ends of justice served by continuing the case as requested outweigh the
10 interest of the public and defendant in a trial within the date prescribed by the Speedy Trial Act.

11 4. Thus, the parties respectfully request that the Court find that the time period from
12 November 10, 2010, to November 30, 2010, is excludable pursuant to 18 U.S.C.
13 §§ 3161(h)(7)(A), (B)(iv) because it results from a continuance granted by the Court at the
14 defendants' request and on the basis of the Court's finding that the ends of justice served by
15 taking such action outweigh the best interest of the public and the defendants in a speedy trial
16 and because failure to grant the continuance would unreasonably deny defense counsel the time
17 necessary for effective preparation for trial, taking into account due diligence.

18 IT IS SO STIPULATED.

19 MELINDA HAAG
20 United States Attorney

21 Dated: November 8, 2010

22 /s/
23 GARTH HIRE
24 Assistant United States Attorney
25 Attorney for United States of America

26 Dated: November 8, 2010

27 /s/
28 LYNN KESLAR
Attorney for Defendant
Juan Octaviano Lopez

Dated: November 8, 2010

/s/
RANDALL KNOX

Attorney for Defendant
Glendy Gomez

~~PROPOSED~~ ORDER

FOR GOOD CAUSE SHOWN, IT IS SO FOUND AND ORDERED THAT:

1. The currently scheduled November 10, 2010, status conference hearing is vacated. A status conference hearing is now scheduled for 10:00 a.m. on November 30, 2010.

2. The time period from November 10, 2010, to November 30, 2010, is deemed excludable pursuant to 18 U.S.C. §§ 3161(h)(7)(A), (B)(iv) because it results from a continuance granted by the Court at the defendants' request and on the basis of the Court's finding that the ends of justice served by taking such action outweigh the best interest of the public and the defendants in a speedy trial and because failure to grant the continuance would unreasonably deny defense counsel the time necessary for effective preparation for trial, taking into account due diligence.

DATED: November 12, 2010


LAUREL BEELER
UNITED STATES MAGISTRATE JUDGE